

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

M-I LLC,

Plaintiff,

v.

ARGUS GREEN LLC,
JOHN J. OSTERMAIER, and
LEWIS J. DUTEL

Defendants.

CIVIL ACTION NO. 2:10-CV-00024

JURY TRIAL REQUESTED

**ORDER GRANTING M-I LLC'S MOTION FOR
PRELIMINARY INJUNCTIVE RELIEF TO PRESERVE EVIDENCE
AND FOR EXPEDITED DISCOVERY**

The matter before the Court is M-I LLC's Motion For Preliminary Injunctive Relief To Preserve Evidence And For Expedited Discovery ("Motion"). Having considered the Motion, Defendants' response, if any, and the evidence presented, the Court finds that the Motion should be GRANTED. Therefore, it is hereby ORDERED that:

1. Defendants are preliminarily enjoined from deleting, copying, modifying, destroying, erasing, writing over, or otherwise disposing of documents or records of any kind relating in any manner to this lawsuit, including, but not limited to:
 - (a) documents or records contained on all personal computers including, but not limited to, all desktop and laptop computers;
 - (b) documents or records contained on all writable CDs, writable DVDs, and all memory devices, external hard drives, USB flash drives (such as jump drives, pocket drives, pen drives, and thumb drives), and memory sticks;
 - (c) documents or records contained on all cell phones and portable email devices (e.g., Blackberry or iPhone-type devices); and
 - (d) all M-I documents, including, but not limited to, databases, customer information, drawings, software, designs, or specifications.

2. Defendants are preliminarily enjoined from closing, deleting messages from, or otherwise modifying any email accounts (including, but not limited to, the accounts jostermaier@mac.com; jostermaier@me.com; and ldutel@mac.com), server access rights, or messaging systems used since March 2009.
3. Defendants shall conduct a complete and accurate inventory of the following equipment in their possession: all computer equipment (including portable devices or those located at their office and domicile), cell phones (including identification of all cellular devices, accounts, and numbers), storage media, digital cameras, digital recording devices, and software that the Defendants have used within the last twelve months. The inventories shall include an item description, serial numbers and quantities, and shall be provided to the Court and M-I in the form of a declaration submitted within five (5) days of the issuance of this Order
4. M-I is allowed expedited discovery from Defendants in the form of interrogatories on (a) the identification of existing and/or destroyed electronic evidence, (b) an identification of electronic devices and media containing relevant electronic evidence, and (c) an identification of the potential customers contacted by Defendants since March 2009. Defendants shall respond within ten (10) days after service of M-I's discovery requests.

IT IS SO ORDERED.

SIGNED this 18th day of May, 2010.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE